7/23/92
Cpy to Doug
Mike

AMERICAN SAMOA GOVERNMENT
PAGO PAGO, AMERICAN SAMOA 96799

In reply refer to:

OFFICE OF THE GOVERNOR
ENVIRONMENTAL QUALITY COMMISSION
Serial:197

June 15, 1992

Pat Young
American Samoa Program Manager
Office of Pacific Islands & Native
American Programs
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, California 94105

Dear Pat:

Enclosed are the mixing zone permits and determination issued by the Environmental Quality Commission for the Star-Kist Samoa, Inc. and Samoa Packing Company in American Samoa. As per the American Samoa Water Quality Standards, U.S. Environmental Protection Agency approval on the mixing zone permits are necessary, and I request your assistance in this matter. Should you have any questions, you may contact me or Sheila Wiegman of my staff.

Sincerely,

Pati Faiai, Executive Secretary
Environmental Quality Commission

cc: Environmental Coordinator, ASEPA

ENVIRONMENTAL QUALITY COMMISSION

Cannery Mixing Zone Determination

April, 1992

1. Introduction

This determination will provide background and documentation on the Environmental Quality Commission (EQC) decision on the application by Star-Kist Samoa, Inc. and Samoa Packing Company for a mixing zone to be located in outer Pago Pago Harbor. The EQC authority for this permit decision is found in the Environmental Quality Act (Title 24 Chapter 01, ASCA) and the American Samoa Water Quality Standards (ASWQS) (Title 24 Chapter 02, ASAC). The EQC considered the application and reviewed its contents in accordance with the ASWQS on November 27, 1991. Information submitted concerning ammonia and total residual chlorine after this meeting was also reviewed by the EQC personnel for consistency with the November 27, 1991 decision.

2. Application

Star Kist Samoa, Inc. and VCS Samoa Packing Co. (the canneries) submitted the Joint Cannery Outfall Mixing Zone Application on August 8, 1991 to the Environmental Quality Commission (EQC). In addition, on August 30, 1991, a document entitled Site-Specific Zone of Mixing of Mixing Determination for the Joint Cannery Outfall Project, Pago Pago, American Samoa was submitted as an attachment to the application. The documents as submitted were found to contain the information specified in Section 24.0208(c) Procedures to Apply for a Zone of Mixing of the ASWQS. Other documents and correspondence were used by the EQC in evaluation of the application for the mixing zone, and these are provided in the References section.

The canneries request a mixing zone located offshore of the eastern shoreline of Pago Pago Pago Harbor between Anasosopo Point and Ava Point. The center of the diffuser (center of the zone of mixing) is approximately at Northing 305,100 and Easting 263,700 as shown in Figure 1. The dimension requested is bounded by a circle centered on the midpoint of the diffuser or by the 30 foot contour whichever is closest to the center of the diffuser.

In addition, a zone of initial dilution (ZID) for ammonia was requested. The ZID dimensions requested are the bottom area and water column above that area circumscribed by 12 meters from any point of the diffuser.

3. Compliance with Zone of Mixing Criteria

A zone of mixing permit can only be granted by the EQC if the application and supporting information clearly show that the conditions contained in 24.0208 (b) Criteria: Zone of Mixing are met. The following discussion evaluates the cannery application and supporting documents in light of the 24.0208(b) requirements.

A. Public Interest

The cannery documentation cites the economic contribution to the Territory of American Samoa by the canneries and the improvement of water quality in Pago Pago Harbor as the prime public interest benefits related to the location of the discharge and the requested mixing zone.

B. Endangerment of Human Health and Safety

The cannery discharge is not pathogenic nor highly toxic in origin. The location of the discharge and the increased dilution also contribute to this. According to current information, it is not likely that human health and safety will be endangered by the granting of the zone of mixing.

C. Impacts of Compliance at the Point of Discharge (POD)

The ASWQS require the evaluation of whether compliance with ASWQS at the point of discharge would produce serious economic hardships without equal or greater benefit to the public. The cannery mixing zone application states that the requirement of meeting the standards at the POD (inner Pago Pago Harbor) would cause the canneries to cease or modify operations as compliance is not economically or technically feasible." A significant reduction in benefits to the American Samoa economy would then result.

The American Samoa Government and the canneries cooperated in completing studies of all potentially feasible alternatives in 1984-87. The studies found that the combination of high strength waste segregation and relocation of the discharge point as the most economically attractive and technically expedient alternative to meet the ASWQS. The feasibility of treating the waste at the site was low as it requires more land than is available and the technology is complex and difficult to implement and maintain at such a distance from the mainland. In addition, if more on-site treatment were implemented which did not provide for full compliance with the ASWQS, it would be difficult for the canneries to qualify for a zone of mixing in the inner harbor due the poor mixing qualities, small area and concentrations of nutrients in the waste.

As requiring compliance with the ASWQS at the POD is not highly feasible technically nor economically as demonstrated in the Joint Cannery studies and the Engineering Feasibility Study, imposing this requirement on the discharge could

cause the canneries to cease or modify operations negatively affecting the territorial economy. Compliance of the discharge with the ASWQS at the POD would produce economic hardships without equal or greater benefit to the public.

D. Impact on Marine Ecology Outside Zone of Mixing

The canneries state that the location of the discharge in the outer harbor will lead to a reduction of the effluent concentrations throughout the harbor, the plume being aped well below the surface, lower turbidity,a nd improvement of environmental conditions compared to the present conditions.

A review of the Engineering Feasibility Study and the Technical Memorandum accompanying the cannery mixing zone application by EQC personnel supports the cannery statements. Concern over the impacts to dissolved oxygen (DO) concentrations in the farfield have been expressed by USEPA and the cannery response.

E. Location of the Zone of Mixing, Parameters Requested, Alternative within Limits, and Toxicity

The zone of mixing requested is not located in any of the prohibited areas provided in 24.0208(b)(5) ASAC. The parameters requested for the zone of mixing are total nitrogen and total phosphorus. These are water quality parameters subject to a zone of mixing (24.0208(b)(5) ASAC). In addition, a zone of initial dilution for ammonia was requested.

The water quality parameters subject to the zone of mixing must conform to alternative within-zone limits determined by the EQC. The canneries proposed the following within-mixing zone limitations.

Parameters	Limitation
Total Phosphorus	150 ug/L
Total Nitrogen	1000 ug/L

These values are equal to five times the ASWQS required for Pago Pago Harbor. These values are acceptable within the zone of mixing considering the concentration of the parameters in the effluent, the degree of dilution expected from the diffuser, the background concentration of the parameters and that the ASWQS are only expected to be exceeded in 25% of the zone of mixing area at any one time. (p.34 CH2M Hill, Site-Specific Zone of Mixing Determination for the Joint Cannery Outfall Zone of Mixing Determination, August, 1991).

Through review of the cannery mixing zone application and the applications by

each cannery for the National Pollutant Discharge Elimination System (NPDES) permits, concerns arose over possible toxicity related to ammonia and chlorine concentrations, and a zone of initial dilution was requested for ammonia.

Ammonia concentrations in the effluent were reported by the canneries as 78.5 mg/L for Star-Kist and 57.8 mg/L for Samoa Packing related to its high nitrogenous content. No ambient measurements of ammonia in Pago Pago Harbor are available. The amounts contained in the effluent exceed the Ambient Water Quality Criteria for Ammonia (Saltwater) - 1989 at the appropriate pH and salinity levels.

The canneries have requested a zone of initial dilution for ammonia in accordance with USEPA guidance, Technical Support Document for Water Quality based Toxics Controls, EPA/505/2-90-001, 1991 (Technical Support Document) and Sections 24.0208(b)(5) and (6) of the ASWQS. Section 24.0208 (b)(5) states that effluent limits must comply with Section 24.0204 (a)(8)(A)-(E) and 24.0207(a)9a). Section 24.0208(a)(8)(A)-(E) generally requires that limitations for toxic substances must be determined utilizing bioassay and other testing to assure that the waters are substantially free from toxic substances. Section 24.0207(a)(9) relates to changes in basin geometry and freshwater inflow and is not applicable to the toxics limitations in this case.

No bioassay testing of the whole effluent or the ammonia concentration has been completed to date. The Technical Support Document provides guidance on approaches toward regulating toxic substances in receiving waters. As bioassay testing has not been completed and the canneries have submitted a memorandum (To: Dong Liden, USEPA from Steve Costa, CH2M Hill, 12 November, 1991) detailing the fate of ammonia utilizing initial dilution and mixing zone calculations, this information will be considered in light of the USEPA guidance.

Additional information and discussion on this issue is provided in the Meeting Notes for 26 December, 1991, Meeting of USEPA, ASEPA, and CH2M Hill representatives, compiled by CH2M Hill.

Four alternatives are provided in the Technical Support Document to evaluate the impact of lethality to passing organisms in relation to mixing zones. The criterion mixing concentration (CMC) is a measure of toxicity in which lethality will not occur if the duration of the exposure to the CMC is less than one hour. Information provided by the canneries on ammonia reflects the second alternative from the Technical Support Document in which the CMC is met within a very short distance from the outfall during chronic design-flow conditions for the receiving water.

The cannery information states that modeling results on the joint cannery outfall

indicate that a zone of initial dilution for ammonia 100 times the discharge length, a distance of 12 meters from the outfall would cause an exposure time of 30 seconds and correspond to an initial dilution of 80:1. Values provided in the 12 November 1991 Memorandum show that the CMC for ammonia will be met with this zone of initial dilution. While the Technical Support Document states that a mixing zone 50 times the discharge length will ensure the CMC is met, within a few minutes, the calculations provided in the Technical Memorandum and the 12 November 1991 Memorandum demonstrate that the CMC in this case will be met within 30 seconds at a distance of 12 meters. The exposure area is greater but the time is much less than a few minutes. This zone of initial dilution is limited and meets the requirement of the ASWQS that American Samoa waters must be substantially free of toxic substances.

In addition to ammonia, the concentration of total residual chlorine (TRC) became a concern in review of the cannery mixing zone and NPDES permit applications. The canneries chlorinate the water utilized in the thaw and cooking processes. which may contribute to the TRC in the effluent. Little data is available on the TRC content of the effluent. Further evaluation of the concentration of TRC in the effluent is necessary before consideration of a zone of initial dilution by the EQC as suggested in the 3 March 1992 Memorandum from Steve Costa, CH2M Hill, to Doug Liden, USEPA.

F. Compliance with Sections 24.0207(a)(1)-(4) Within the Zone of Mixing

Section 24.0207 (a)(1) states that waters shall be substantially free of contributions that produce objectionable color, odor, or taste. The discharge is deep and readily diffused preventing any problems with objectional color, odor, or taste within the mixing zone.

Waters shall be substantially free from visible floating materials related to any discharges on stated in Section 24.0207(a)(2). The hydraulic regime of Pago Pago Harbor and the dynamics of the discharge through diffusion will contribute to a submerged and highly diluted plume. This will prevent any visible floating materials within the mixing zone.

Visible turbidity and objectionable deposits must be substantially absent from the zone of mixing (Section 24.0207(a)(3)). The ASWQS for turbidity in Pago Pago Harbor must be met within the zone of mixing, and this will ensure no visible turbidity is present. Some sedimentation within the mixing zone is to be expected, but not such that objectionable deposits form.

Section 27.0207(a)(4) states that waters must be free from substances attributed to the discharge which cause toxicity to aquatic life or produce undesirable aquatic life. The toxicity related to ammonia and TRC were discussed in the previous

section. Metals are found in the effluent, but are not expected to contribute significantly to toxicity. Algal blooms are the primary undesirable aquatic life which could be produced in relation to the high nutrient content of the discharge. The high degree of dilution and that the plume will be submerged should prevent any algal blooms within the mixing zone.

G. Water Quality Outside the Zone of Mixing

The cannery discharge cannot result in the lowering of water quality outside the zone of mixing so as to violate the standards of sections 24.0206 and 24.0207. The discharge could affect the waters of Pago Pago Harbor, open coastal waters just outside of Pago Pago Harbor, and oceanic water depending on weather conditions. The degree of diffusion and dilution of the discharge should prevent any violation of Sections 24.0206 and 24.0207 outside of the zone of mixing.

H. Compliance with Section 24.0208 (a)(8)

(i) Protected Uses

Table 4 of the Joint Cannery Outfall Mixing Zone Application demonstrates the impacts on Pago Pago Harbor protected uses. Impacts to the protected uses are limited to the construction phase which is short.

(ii) Existing Receiving Water Conditions

Pago Pago Harbor water quality is degraded due to a number of factors which include the long term cannery discharge, oil spills, nonpoint source pollution and development. Since 1990, the canneries have barged the high strength nutrient waste streams to the ocean dump site also used for sludge. This has resulted in immediate nearly proportional decreases in the receiving water nutrient concentrations. The relocation of the discharge with a diffuser designed for optimal mixing should additionally contribute to improvement of Pago Pago Harbor water quality. Some resuspension of sediments may occur, but this is expected to be short lived.

(iii) Character of Effluent

As the effluent is primarily organic in nature and has been discharged to the inner harbor in the past, the effects of the effluent are well know. The eutrophication impacts (low oxygen, fish kills, algal blooms) previously experienced in the inner harbor are not expected with the discharge relocation due to diffuser configuration and flushing characteristics of the outer harbor.

(iv) Outfall and Diffuser System Design

Several studies have been completed leading to the outfall location and design. These studies include the Wasteload Allocation Study, the ASG-Joint Cannery Study (1984-86), the Engineering Feasibility Study, and the Zone of Mixing Technical Memorandum. These studies cover the requirements for the mixing zone and far field dilution effects in a manner satisfactory to the EQC.

(v) Other Policies, Plans or Territorial Agencies

The applicants have coordinated with all local agencies through the Project Notification and Review System of the Development Planning Office which provides for consolidated environmental preview of projects. Two public hearings were held and an Environmental Impact Assessment was completed on this project. All comments and questions have been responded to by the permittee. The only outstanding issue is the issuance of the NPDES permit by the USEPA for the discharge.

4. Mixing Zone Permit Conditions

After considering of the cannery mixing zone permit application in light of the Section 24.00208 of the ASWQS, the EQC voted on November 27, 1992 to issue the requested mixing zone permit subject to the following conditions.

A. The old outfalls shall be closed off and not utilized without EQC permission.

B. The permittees must complete a plan for outfall maintenance and emergency response in case of a break to be submitted to the EQC soon after the permit goes into effect.

C. The canneries must at a minimum monitor for water quality impacts, fate of the plume through dye studies, and any aspects determined necessary by the EQC and USEPA.

D. The permit term will last five years to coincide with the NPDES permit term.

5. Public Notice and Review

The EQC determined that this issue was of such importance to the public that a public hearing was necessary. For efficiency, a joint public hearing with the Project Notification Review System on both the Mixing Zone and land use permit

applications was held on September 5, 1991 at the Rainmaker Hotel (public notice dated August 29, 1991). The canneries presented the project to the meeting attendees. EQC members were in attendance. Questions and comments were accepted at that time and written comments were accepted until September 6, 1991. The canneries provided response to written comments in the final Environmental Impact Assessment for the project.

6. References

American Samoa Water Quality Standards Title 24 Chapter 02, American Samoa Administrative Code.

CH2 MHill. Site-Specific Zone of Mixing Determination for the Joint Cannery Outfall Project, Pago Pago Harbor, American Samoa, August 30, 1991.

CH2MHill Joint Cannery Outfall Mixing Zone Application, August 8, 1991.

Memorandum to Dough Liden, USEPA from Steve Costa, CH2M Hill, Subject: Joint Cannery Outfall Mixing Zone Issues, 12 November, 1991.

Memorandum to Dough Liden, USEPA from Steve Costa, CH2M Hill, Subject: Response to USEPA Comments on Zone of Mixing Application, 10 November, 1991.

Meeting Notes from 26 December, 1991 meeting with Dough Liden, USEPA, Sheila Wiegman, ASEPA (phone), Steve Costa, CH2M Hill, and Karen Glatzel, CH2M Hill, prepared by CH2M Hill. Meeting subject: Star Kist and Van Camp Joint Cannery Outfall Mixing Zone and NPDES permit Applications.

CH2M Hill Final environmental Impact Assessment for the Joint Cannery Outfall Project.

USEPA. Ambient Water Quality Criteria for Ammonia (Saltwater - 1989), April, 1989.

USEPA Technical Support Document for Water Quality-Based Toxics Control (EPA/505/2-90-001), March, 1991.

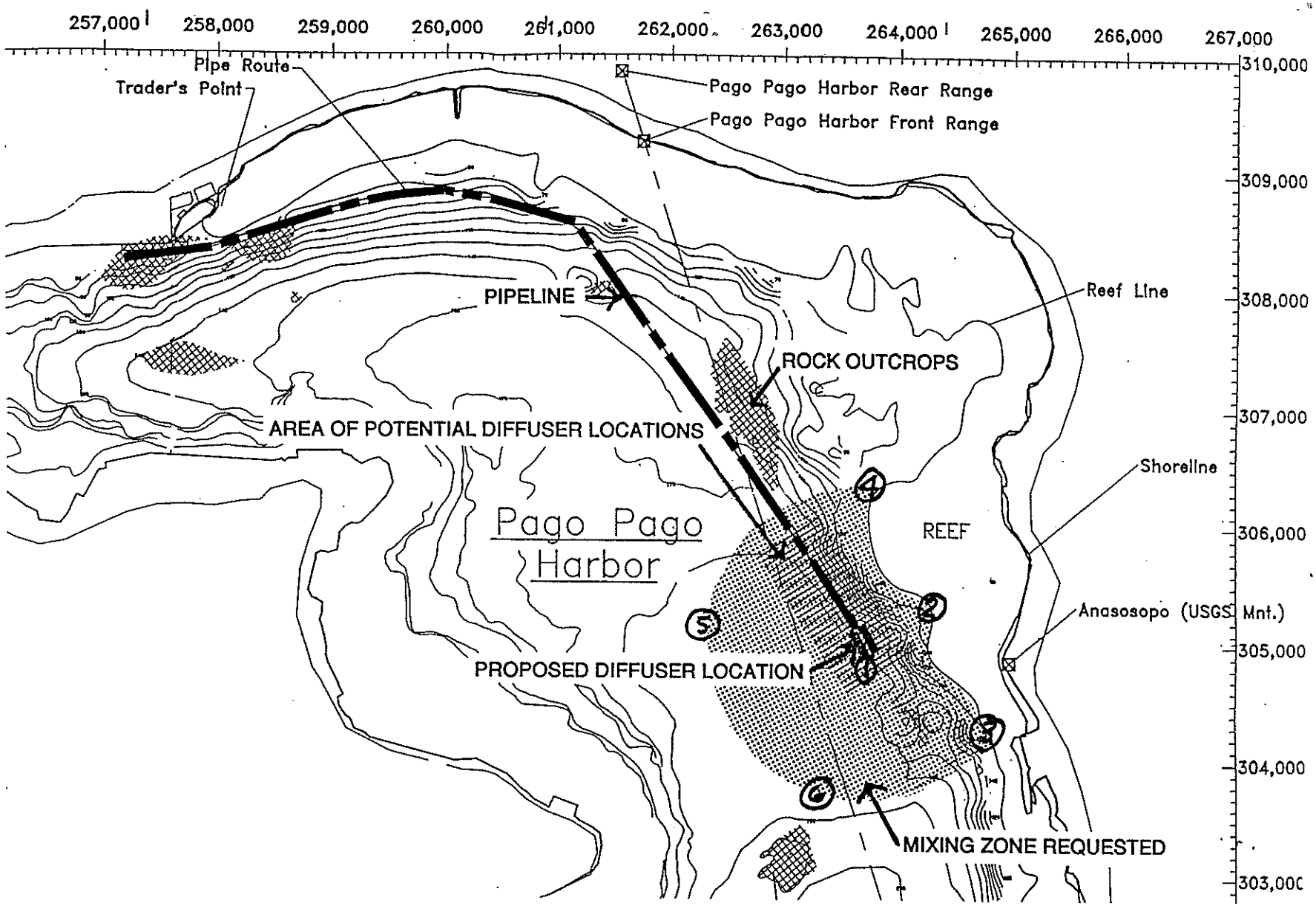

FIGURE 1. LOCATION AND SIZE OF THE REQUESTED ZONE OF MIXING

ENVIRONMENTAL QUALITY COMMISSION

Mixing Zone Permit for Star Kist Samoa Inc.

I. Mixing Zone Approval

The Environmental Quality Commission under (EQC) the authority of the American Samoa Environmental Quality Act (Chapter 24 ASCA) considering the American Samoa Water Quality Standards (ASWQS) approves the mixing zone located in Pago Harbor, American Samoa requested by Star Kist Samoa, Inc. and VCS Samoa Packing Company. (See Environmental Quality Commission Mixing Zone Determination). The mixing zone and zone of initial dilution are limited to the area and water quality parameters in this permit and are subject to all conditions provided here. In addition, the permittees shall comply with all provisions of the ASWQS not listed here and the National Pollutants Discharge Elimination System (NPDES) permits (Nos. AS0000019 and AS 0000027) for the discharges issued by the U.S. Environmental Protection Agency.

II. Permit Term

The mixing zone permit was approved on November 27, 1991. The permit term will coincide with the NPDES permit issued by the USEPA for each facility for a period of five years. The effective date of this mixing zone is the same as the NPDES permit for each facility.

III Mixing Zone Location

The mixing zone is located offshore of the eastern shoreline of Pago Pago Harbor between Anasosopo Point and Ava Point. The mixing zone dimensions are bounded by a circle 1300 feet in radius centered on the midpoint of the diffuser or by the 30 foot contour whichever is closest to the center of the diffuser. The zone of initial dilution for ammonia shall be defined as the bottom area and water column above that area circumscribed by 12 meters from any point of the diffuser.

IV. Water Quality Limitations

A. The permittee shall meet the following water quality limitations within the zone of mixing.

Parameter	Limitation
Total Phosphorus	150 ug/L
Total Nitrogen	1000 ug/L

B. At the edge and beyond the zone of mixing the permittee shall meet the following water quality limitations:

Parameter	Limitation
Total Phosphorus	30 ug/L
Total Nitrogen	200 ug/L

C. The permittee shall meet the National Water Quality Criteria for ammonia at the edge of the ZID and beyond.

D. Within the zone of mixing, the waters shall be substantially free from materials attributable to sewage, industrial wastes, or other activities of man that may produce objectionable color, odor, or taste, either of itself or in combinations, or in the biota.

E. Within the zone of mixing, the waters shall be substantially free from visible floating materials, grease, oil, scum, foam, and other floating materials attributable to sewage, industrial wastes, or other activities of man.

F. Within the zone of mixing, the waters shall be substantially free from materials attributable to sewage, industrial wastes, or other activities of man that will produce visible turbidity or settle to form objectionable deposits.

H. The permittee shall meet all applicable provisions of 24.0207(a)(8)(A)-(E) ASAC concerning toxicity.

I. The discharge shall not result in a lowering of water quality outside the zone of mixing so as to violate the standards of 24.0206 and 24.0207 ASAC as they may be applicable.

V. Compliance Determination and Penalty for Noncompliance

A. The permittees shall ensure that monitoring as required in this Mixing Zone Permit is completed. Compliance with the ASWQS shall be determined as provided in Section 24.0211(b)(2) of the ASWQS which states: Compliance with water quality standards at a particular point shall be determined utilizing at least four consecutive measurements over a time period of not less than three months or greater than 12 months or at a frequency determined by the EQC.

B. Should violation of the ASWQS or the conditions of this permit be determined, the EQC will hold both permittees jointly responsible, unless it can be demonstrated to the satisfaction of the EQC that one permittee caused violation of the ASWQS or violation of any conditions of this permit.

C. Any person who violates the ASWQS (Chapter 24 ASAC) or any provisions of the Environmental Quality Act (Chapter 24 ASCA) or any rule pursuant to it, relating to the discharge of water pollutants shall be guilty of an infraction and upon conviction sentenced accordingly. Each day of violation constitutes a separate offense.

VI. Permit Conditions

A. The permittees shall carry out the monitoring for compliance with the ASWQS and environmental impacts of the discharge as required in the NPDES permit for each facility. The monitoring program contained in the NPDES permits for Star-Kist Samoa, Inc. and VCS Samoa Packing Company is incorporated herein by reference. All methodology, plans, and reporting required by the monitoring program shall be submitted to the American Samoa Environmental Protection Agency.

B. The permittees shall complete a plan for outfall maintenance and emergency response in case of leakage. This plan shall be submitted to the EQC within 60 days of the effective date of this permit.

C. The permittees shall inform the American Samoa Environmental Protection Agency immediately should any condition arise that will cause noncompliance with the conditions of this permit.

D. The permittees shall close off the old outfalls located in front of the existing facilities to the satisfaction of the EQC. These outfalls shall not be utilized without permission of the EQC and permit by the U.S. Environmental Protection Agency.

E. Should the ASWQS be revised in any manner that will affect any provision of this permit, the EQC retains the right to reopen and modify this permit.

for D Brian
Chairman, Environmental Quality Commission

June 11, 1992
Date

ENVIRONMENTAL QUALITY COMMISSION

Mixing Zone Permit for VCS - Samoa Packing Co.

I. Mixing Zone Approval

The Environmental Quality Commission under (EQC) the authority of the American Samoa Environmental Quality Act (Chapter 24 ASCA) considering the American Samoa Water Quality Standards (ASWQS) approves the mixing zone located in Pago Harbor, American Samoa requested by Star Kist Samoa, Inc. and VCS Samoa Packing Company. (See Environmental Quality Commission Mixing Zone Determination). The mixing zone and zone of initial dilution are limited to the area and water quality parameters in this permit and are subject to all conditions provided here. In addition, the permittees shall comply with all provisions of the ASWQS not listed here and the National Pollutants Discharge Elimination System (NPDES) permits (Nos. AS0000019 and AS 0000027) for the discharges issued by the U.S. Environmental Protection Agency.

II. Permit Term

The mixing zone permit was approved on November 27, 1991. The permit term will coincide with the NPDES permit issued by the USEPA for each facility for a period of five years. The effective date of this mixing zone is the same as the NPDES permit for each facility

III. Mixing Zone Location

The mixing zone is located offshore of the eastern shoreline of Pago Pago Harbor between Anasopo Point and Ava Point. The mixing zone dimensions are bounded by a circle 1300 feet in radius centered on the midpoint of the diffuser or by the 30 foot contour whichever is closest to the center of the diffuser. The zone of initial dilution for ammonia shall be defined as the bottom area and water column above that area circumscribed by 12 meters from any point of the diffuser.

IV. Water Quality Limitations

A. The permittee shall meet the following water quality limitations within the zone of mixing.

Parameter	Limitation
Total Phosphorus	150 ug/L
Total Nitrogen	1000 ug/L

B. At the edge and beyond the zone of mixing the permittee shall meet the following water quality limitations:

Parameter	Limitation
Total Phosphorus	30 ug/L
Total Nitrogen	200 ug/L

C. The permittee shall meet the National Water Quality Criteria for ammonia at the edge of the ZID and beyond.

D. Within the zone of mixing, the waters shall be substantially free from materials attributable to sewage, industrial wastes, or other activities of man that may produce objectionable color, odor, or taste, either of itself or in combinations, or in the biota.

E. Within the zone of mixing, the waters shall be substantially free from visible floating materials, grease, oil, scum, foam, and other floating materials attributable to sewage, industrial wastes, or other activities of man.

F. Within the zone of mixing, the waters shall be substantially free from materials attributable to sewage, industrial wastes, or other activities of man that will produce visible turbidity or settle to form objectionable deposits.

H. The permittee shall meet all applicable provisions of 24.0207(a)(8)(A)-(E) ASAC concerning toxicity.

I. The discharge shall not result in a lowering of water quality outside the zone of mixing so as to violate the standards of 24.0206 and 24.0207 ASAC as they may be applicable.

V. Compliance Determination and Penalty for Noncompliance

A. The permittees shall ensure that monitoring as required in this Mixing Zone Permit is completed. Compliance with the ASWQS shall be determined as provided in Section 24.0211(b)(2) of the ASWQS which states: Compliance with water quality standards at a particular point shall be determined utilizing at least four consecutive measurements over a time period of not less than three months or greater than 12 months or at a frequency determined by the EQC.

B. Should violation of the ASWQS or the conditions of this permit be determined, the EQC will hold both permittees jointly responsible, unless it can be demonstrated to the satisfaction of the EQC that one permittee caused violation of the ASWQS or violation of any conditions of this permit.

C. Any person who violates the ASWQS (Chapter 24 ASAC) or any provisions of the Environmental Quality Act (Chapter 24 ASCA) or any rule pursuant to it, relating to the discharge of water pollutants shall be guilty of an infraction and upon conviction sentenced accordingly. Each day of violation constitutes a separate offense.

VI. Permit Conditions

A. The permittees shall carry out the monitoring for compliance with the ASWQS and environmental impacts of the discharge as required in the NPDES permit for each facility. The monitoring program contained in the NPDES permits for Star-Kist Samoa, Inc. and VCS Samoa Packing Company is incorporated herein by reference. All methodology, plans, and reporting required by the monitoring program shall be submitted to the American Samoa Environmental Protection Agency.

B. The permittees shall complete a plan for outfall maintenance and emergency response in case of leakage. This plan shall be submitted to the EQC within 60 days of the effective date of this permit.

C. The permittees shall inform the American Samoa Environmental Protection Agency immediately should any condition arise that will cause noncompliance with the conditions of this permit.

D. The permittees shall close off the old outfalls located in front of the existing facilities to the satisfaction of the EQC. These outfalls shall not be utilized without permission of the EQC and permit by the U.S. Environmental Protection Agency.

E. Should the ASWQS be revised in any manner that will affect any provision of this permit, the EQC retains the right to reopen and modify this permit.

for N Sina

Chairman, Environmental Quality Commission

June 11, 1992
Date